

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

HUBER HEIGHTS VETERANS  
CLUB, INC.,

Plaintiff,

Case No. 3:23-cv-389

vs.

STATE OF OHIO, *et al.*,

District Judge Michael J. Newman  
Magistrate Judge Caroline H. Gentry

Defendants.

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**ORDER DENYING PLAINTIFF’S MOTION FOR FINDINGS OF FACT AND  
CONCLUSIONS OF LAW (Doc. No. 23)**

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The civil case is before the Court upon Plaintiff’s motion for findings of fact and conclusions of law. Doc. No. 23. Defendant State of Ohio filed a memorandum in opposition (Doc. No. 25), to which Plaintiff did not reply. Thus, this motion is ripe for review.

Defendants filed motions to dismiss (Doc. Nos. 14, 15, 16), and this Court dismissed Plaintiff’s claims based on *res judicata* and/or collateral estoppel. *See* Doc. No. 21.<sup>1</sup> Now, Plaintiff seeks separate findings of fact and conclusions of law for each Defendant pursuant to Fed. R. Civ. P. 52. Doc. No. 23.

Fed. R. Civ. P. 52(a)(3) states “[t]he court is not required to state findings or conclusions when ruling on a motion under Rule 12[.]” Fed. R. Civ. P. 52(a)(3). In *Stephens v. National City Corporation*, the Sixth Circuit noted, “A district court must state separate findings of fact and conclusions of law following a bench trial. Fed. R. Civ. P. 52(a)(1). But where, as here, the district

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<sup>1</sup> The Sixth Circuit recently affirmed this Court’s dismissal of another Huber Heights Veterans Club, Inc. case based on *res judicata*. *See Huber Heights Veterans Club, Inc. v. Bowman, et al.*, No. 24-3342, Doc. No. 19 (6th Cir. Oct. 15, 2024).

court rules on motions to dismiss filed under Rule 12(b), there is no such requirement. Fed. R. Civ. P. 52(a)(3).” *Stephens v. Nat’l City Corp.*, No. 20-3746, 2021 WL 3027864, at \*4 (6th Cir. June 14, 2021). Here, the Court dismissed the case after Defendants filed Rule 12(b) motions (Doc. Nos. 14, 15, 16), which means the Court is not required to state separate findings of fact and conclusions of law in this case. *See* Doc. No. 21.

Accordingly, Plaintiff’s motion is **DENIED**.

**IT IS SO ORDERED.**

October 24, 2024

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge